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HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Comments of the Human Rights Committee

BULGARIA

1. The Committee considered the second periodic report of Bulgaria (CCPR/C/32/Add.17) at its 1248th to 1250th meetings, held on 21 and 22 July 1993, and adopted* the following comments:

A. Introduction

2. The Committee expresses its appreciation to the State party for its report, which has been prepared in accordance with the Committee's guidelines, and for engaging through a highly qualified delegation in a fruitful dialogue with the Committee. It notes with satisfaction that the information provided by the representative of the State party in his introductory statement, as well as in his replies to the Committee's list of issues and oral questions raised by individual members, complemented the written report in a very constructive way and provided the Committee with a comprehensive view of Bulgaria's actual compliance with the obligations undertaken under the International Covenant on Civil and Political Rights. The Committee, however, draws the attention of the State party to the considerable delay in the submission of its second periodic report, which was due in 1984 and to the lack of information in the report on the period 1978-1990, when several regrettable measures are generally known to have been undertaken by the former regime violating provisions of the Covenant.

* At its 1259th meeting, held on 28 July 1993.

B. Positive aspects

3. The Committee notes with satisfaction the considerable progress made by the Government of Bulgaria since November 1989 in bringing gradually its national legislation, particularly its Constitution in conformity with the provisions of the Covenant and other international human rights treaties to which Bulgaria is a party. The recognition by Bulgaria of the competence of the Committee to receive and consider communications from individuals under the Optional Protocol is of particular importance for the effective implementation of the Covenant by the State party.

4. The Committee also notes with satisfaction that the 1991 Constitution of Bulgaria, in its second chapter entitled "Fundamental rights and obligations of citizens", follows the substance and framework of the Covenant. The Committee considers an independent judiciary essential for the proper protection of civil and political rights and welcomes the recent ruling of the Constitutional Court on human rights issues as proofs of an increased level of judicial protection of human rights in Bulgaria. Obviously the existence of an effective Constitutional Court promotes and expedites the eradication of anomalies from the former totalitarian period. The Committee welcomes in this context particularly the references the Court has made in several cases to provisions in the Covenant when examining the constitutionality of legal provisions.

5. The Committee considers that the laws enacted since November 1989, in particular, the Act on Political and Civil Rehabilitation of Persons Repressed During the Totalitarian Regime Because of their Origin, Political and Religious Persuasion, the Liability of State for Harm to Citizens Act, the Amnesty and Restoration of Confiscated Property Act, the Restoration of Property Rights over Nationalized Assets Act, the Act on Restoration of Property Rights over Certain Real Estate Procured by the State under the Territorial and Territorial Development Act, the Law on Restoration of Property Rights over Real Estate of Bulgarian Nationals who Applied for Travel to the Republic of Turkey and Other Countries Between May and September 1989, laid solid grounds for the development of a free and democratic society based on the rule of law. Legislation following thereafter has had further effects in that direction.

C. Factors and difficulties impeding the implementation of the Covenant

6. The Committee notes that remnants of the authoritarian rule cannot be easily overcome in a short period of time and that much remains to be done in consolidating and developing democratic institutions and strengthening the implementation of the Covenant. The Committee also recognizes that prejudices with various sectors of the population with respect to various sectors of the population, especially with regard to national or ethnic minorities and the inadequacy in the provision of human rights education and information, adversely affects the implementation of the Covenant. The lack of independent national institutions in Bulgaria that monitor the development and protection of human rights is under such circumstances a handicapping factor.

D. Principal subjects of concern

7. The Committee notes with concern that the Covenant's position in the legal system is not firmly established, that the Supreme Administrative Court provided for in article 125 of the Constitution, has not yet been set up, and that the powers of the prosecutors are excessively large at the expense of the courts. The fact that judicial review of administrative decisions is available exclusively through appeals to the Supreme Court may not provide the citizens with a remedy in compliance with article 2 of the Covenant. Similarly the Committee notes with concern that not all cases of torture that took place under the former regime have had redress and that the harassment of Bulgarian citizens of Turkish ethnic origin that took place under the former regime had lingering negative effects for citizens belonging to that group.

8. The Committee also expresses concern about the reported cases of excessive use of force by police officers, the prolonged periods of detention and wide range of grounds therefor. With respect to the latter, the Committee finds that current legislation does not fully conform with the provisions of article 9 of the Covenant. The Committee further expresses concern about the continuing exodus of Bulgarian citizens of Turkish ethnic origin as well as about the many disadvantages experienced by the Roma (Gypsy) minority. Restrictions on the formation of political parties appear to be excessive. Very little information was provided about the status of women and their participation in public life.

E. Suggestions and recommendations

9. The Committee recommends that remaining restrictions in national laws on human rights should be reviewed and brought into full conformity with the provisions of the Covenant as set forth in articles 18, 19 and 21. The national legislation on detention should be conformed with article 9 of the Covenant. In this connection, the excessive powers of the prosecutors should be reconsidered. Particular attention should be paid to the protection of the rights of persons belonging to national minorities in compliance with article 27 of the Covenant. In the latter regard, positive action should be taken by the Government. The Committee further suggests the establishment of an institution in order to monitor and strengthen the protection of human rights.